

**INLAND WETLANDS AGENCY
REGULAR MEETING MINUTES**

NOVEMBER 15, 2004

PRESENT: Ken Braga, Margo Wheeler, Sanford Cohen, Adam Barber, and Alternate Christine Murphy

ABSENT: Kim Flannery, James Maitland and Alternates Jean Burns and Donald McConnell

STAFF

PRESENT: Matt Davis, Town Planner, Kristin Michaud, Recording Secretary and Richard Kalva, ZEO

I. CALL TO ORDER:

Chairman Braga called the Inland Wetlands Agency (IWA) meeting to order at 7:30 PM at the Ellington Town Hall Annex, 57 Main Street, Ellington, CT. and read the Legal Notice into the record.

II. PUBLIC COMMENTS: NONE

III. PUBLIC HEARINGS:

1. #IW200437 – Paul Nicholas, Jr. for a Permit to Conduct Regulated Activity within an Area of Influence to install curtain drains in the upland review area on property located at 92 Frog Hollow Road, APN 060-009-0000.

TIME: 7:34

SEATED: A. Barber, M. Wheeler, C. Murphy, K. Braga (S. Cohen – Recused)

Galen Semprebon, Design Professionals, came forward for the applicant. He explained the purpose of the curtain drains is to improve the soils for a future subdivision. If the curtain drains do not improve the soils there will be no subdivision on the property.

MOVED (BARBER), SECONDED (WHEELER) AND PASSED UNANIMOUSLY TO CLOSE THE PUBLIC HEARING FOR #IW200437 – PAUL NICHOLAS, JR.

MOVED (WHEELER), SECONDED (MURPHY) AND PASSED UNANIMOUSLY TO APPROVE WITH CONDITION #IW200437 – PAUL NICHOLAS, JR.

CONDITION: APPROVAL IS NOT TO BE CONSTRUED IN ANY MANNER AS IMPLIED APPROVAL OF ANY FUTURE WETLAND PERMITS THAT MAY BE REQUIRED.

2. #IW200440 – Valley Farms for a wetland delineation map amendment on property located at West Road, APN 037-003-0000.

DUE TO LACK OF QUORUM, (S. COHEN RECUSED, M. WHEELER RECUSED) THE COMMISSION CONTINUED THE PUBLIC HEARING TO DECEMBER 20, 2004.

3. #IW200439 – REM Motor Rental for a wetland delineation map amendment on property located at West Road, APN 037-004-0000, 046-001-0000.

TIME: 7:50

SEATED: A. Barber, M. Wheeler, C. Murphy, K. Braga (S. Cohen – Recused)

Ben Moser came forward to explain the amendment.

MOVED (WHEELER), SECONDED (BARBER) AND PASSED UNANIMOUSLY TO CLOSE THE PUBLIC HEARING FOR #IW200439 – REM MOTOR RENTAL.

MOVED (BARBER), SECONDED (WHEELER) AND PASSED UNANIMOUSLY TO APPROVE #IW200439 – REM MOTOR RENTAL.

EFFECTIVE DATE UPON EXPIRATION OF APPEAL PERIOD.

IV. UNFINISHED BUSINESS:

1. #IW200436 – Eric Gonzales for a Permit to Conduct Regulated Activity within an Area of Influence for a shed on property located at 16 Highland Avenue, APN 037-005-0000.

MOVED (BARBER), SECONDED (MURPHY) AND PASSED UNANIMOUSLY TO FIND AS A NON-SIGNIFICANT ACTIVITY WITHIN THE UPLAND REVIEW AREA AND APPROVE #IW200436 – ERIC GONZALES.

2. Review of Draft Amendments to Wetland Regulations.

Mr. Cohen continued to note his concerns with certain aspects of the proposed, but agreed the draft should be sent to public hearing.

MOTION (WHEELER), SECONDED (MURPHY) TO FORWARD FINAL DRAFT AMENDMENTS TO PUBLIC HEARING.

3. Hearing Regarding Cease and Desist ORDER, dated September 11, 2004 issued to Brian Kocher for violations at #24 Ludwig Road (APN #109-006-0000).

Mr. Davis noted that some corrections have been made, but that they did not comply with the Inland Wetland Agency's order. A letter has been sent to Mr. Kocher to comply and staff will report to the Inland Wetland Agency in December.

CONTINUED TO THE DECEMBER 20, 2004 MEETING.

4. Discussion Status: Wetland Violation Resolution, Bruce Luginbuhl, 34 Ludwig Road.

By consensus it was agreed to approve the as built location of the footing drain, the proposed deck and stairs based on the plans in the zoning file, the conservation easement limits per Bruce Faders November 15, 2004 memo and sketch; to reaffirm the intent of the conservation easement as requiring the subject area to revert to and be maintained in a natural condition; to require an as built prior to the Town Engineers inspection and before issuance of the CZC, to retain all surety pending the Town

Engineers review of the as built and site condition, and to have all remedial requirements completed by December 31, 2004.

V. NEW BUSINESS:

1. #IW200438 – Richard Montovani for a Permit to Conduct Regulated Activity within an Area of Influence for demolishing existing house and constructing new single family home on property
2. located at 6 Lake Lane, APN 149-057-0000. (RECEIPT AND POSSIBLE DETERMINATION OF SIGNIFICANCE)

BY CONSENSUS, THE AGENCY DECIDED TO HOLD A PUBLIC HEARING FOR #IW200438 & SCHEDULED THE HEARING FOR THE DECEMBER 20, 2004.

3. #IW200441 – Great Country Garages for a Permit to Conduct Regulated Activity within an Area of Influence for a commercial development on property located on West Road, APN 037-002-0000. (RECEIPT AND POSSIBLE DETERMINATION OF SIGNIFICANCE)

AT THE APPLICANTS REQUEST, THE AGENCY AGREED TO HOLD A PUBLIC HEARING FOR #IW200441 & SCHEDULED THE HEARING FOR THE DECEMBER 20, 2004.

4. #IW200442 – Genovesi Builders for a Permit to Conduct Regulated Activity within an Area of Influence for a residential dwelling on property located at 3 Azalea Lane, APN 129-088-0056. (RECEIPT AND POSSIBLE DETERMINATION OF SIGNIFICANCE)

BY CONSENSUS, THE AGENCY DECIDED TO HOLD A PUBLIC HEARING FOR #IW200442 & SCHEDULED THE HEARING FOR THE DECEMBER 20, 2004.

VI. ADMINISTRATIVE BUSINESS:

1. Review Town Attorney Guidance re: options in enforcement.

TABLED TO THE DECEMBER 20, 2004 MEETING.

2. Approval of the October 18, 2004 meeting minutes and October 28, 2004 special meeting minutes.

MOVED (WHEELER), SECONDED (BARBER) AND PASSED UNANIMOUSLY TO APPROVE THE OCTOBER 18, 2004 MEETING MINUTES AND THE OCTOBER 28, 2004 SPECIAL MEETING MINUTES.

3. Correspondence:
 - a. Bruce Luginbuhl zoning permit.
 - b. Letter to Ken LaForge & Members of Ellington DRB from Richard Cleary, dated October 19, 2004.
 - c. Letter to Dennis Milanovich from EDC dated, October 25, 2004.
 - d. Memo to Land Use Boards from Matt Davis dated, October 19, 2004.
 - e. Letter to Pat Haines from Richard Kalva dated, November 1, 2004.
 - f. Fax to Attorney Fader from Matt Davis dated, November 1, 2004.
 - g. Memo to Land Use Boards & Design Review Board from the Planning & Zoning Commission dated, November 4, 2004.
 - h. Connecticut Wildlife, September/October 2004.

VII. ADJOURNMENT:

MOVED (WHEELER), SECONDED (MURPHY) AND PASSED UNANIMOUSLY TO ADJOURN THE MEETING AT 8:25 P.M.

Respectfully Submitted,

Kristin Michaud
Recording Secretary